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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,369	08/25/2003	Masanobu Yamamoto	FY.50687US0A	2162

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT PAPER NUMBER

3611

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/647,369

Applicant(s)

YAMAMOTO, MASANOBU

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Objections

2. Claims 18 and 19 are objected to because of the following informalities:
- a. Regarding claim 18, applicant is advised that should claim 1 be found allowable, claim “18” will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
 - b. Regarding claim 19, the term “*said means*” lacks proper antecedent basis in the claim, note the coupling means was cited in independent claim 10.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, the term “*a member*” is not clear because it’s not clear if applicant trying to claim a third member within the crankcase or one of the drive member or the driven member that were cited earlier and therefore lacks sufficient antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4 – 7, 10 – 13, 15, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Shichinohe et al ‘940.

Shichinohe shows a vehicle having an internal combustion engine, a saddle-riding seat 3, a steering assembly and a drive system mounted to a vehicle body (figure 1), wherein the internal combustion engine E comprises a crankcase 9 with a crankshaft 16 mounted in the crankcase along a first axis with a coupling means having a drive member 32 coupled to a driven member 32o which are located along the first axis and coupled with the crankshaft and a transmission T

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(figure 4), wherein the coupling means has the drive member and the driven member rotatably mounted generally within the crankcase, and the driven member is supported at a first end and a second end within the crankcase with bearings as shown in figure 4 as broadly claimed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shichinohe et al '940 in view of Barthruff '279.

Shichinohe disclosed a vehicle with a coupling system having the drive member (clutch) and driven member which are mounted within the crankcase and extend along an axis and are coupled to a transmission as claimed, but failed to show a coupling means, wherein a damper portion has at least one cushioning member located between the drive member and the driven member, wherein the driven member covers the drive member and the damper portion.

Barthruff discloses an internal combustion engine which incorporates a coupling means which is located generally within a crankcase (figure 1) which shows a drive member 31 coupled to a driven member 21 by a dampening means 34 having the driven member covering the damper portion 34 and the drive member as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the coupling means of the internal combustion engine of Shichinohe vehicle with an alternative or modified coupling system which provides a damped connection between a driven member and a drive member during start-up as taught by Barthruff coupling means with the driven member covering the drive member and damper portion of the coupling system as shown by Barthruff for enhancing the coupling means with a shock absorbing connection between the members in the coupling system.

9. Claims 8, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shichinohe et al '940 in view of Shaw '275.

Shichinohe disclosed a vehicle; such as an all-terrain vehicle (figure 1), comprising a drive system and a steering assembly, but failed to disclose the vehicle having a steering assembly coupled to one or more skis and wherein the drive system comprises a drive track.

Shaw discloses an all-terrain vehicle (figure 1, column 1, lines 13-19), wherein the drive system comprises an alternative drive means; such as a drive track, and wherein the steering assembly is coupled to one or more skis as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the all-terrain vehicle of Shichinohe with a modified or alternative drive means and steering means as suggested by Shaw in order to further enhance the use of the vehicle in other driving conditions as suggested by Shaw all-terrain vehicle having skis steered by the steering assembly and driven by a drive track to better drive and steer the vehicle dependent upon users preference and the terrain intended.

Response to Arguments

10. Applicant's arguments filed 1/11/05 have been fully considered. In regards to applicant's arguments pertaining to claims 1 – 17 which are moot in view of the new ground(s) of rejection, because Shichinohe clearly shows a saddle type vehicle with an engine having a crankshaft and drive members within the crankcase as broadly claimed as stated above and in further regards to the claim objections regarding rule 37 C.F.R. §1.75(g), the examiner disagrees with applicant's remarks. Although not enforced, the applicant has presented the broadest claims (claims 10-17) further along in the string of claims. 37 CFR §1.75 (g) states that the least restrictive claim should be presented **first**, arranged in order of scope so that the **first claim** presented is the **least restrictive**.”

Appendix R - PATENT RULES
Title 37 - Code of Federal Regulations Patents,
Trademarks, and Copyrights
CHAPTER I -
SUBCHAPTER A - GENERAL
PART 1 - RULES OF PRACTICE IN PATENT CASES
Subpart A - General Provisions
GENERAL INFORMATION AND CORRESPONDENCE

...
§ 1.75 Claim(s).

...
(g) **The least restrictive claim should be presented as claim number 1**, and all “its” dependent claims should be grouped together with the claim or claims to which they refer to the extent practicable.
...

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hori et al '545 show a vehicle having a coupling means extending along an axis within the crankcase.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is **703 - 305 - 0838**.


The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on **703 - 308 - 0629**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In the near future, because of a pending move of the examining corps to a new campus, the examiner and SPE telephone numbers will change to **571 - 272 - 6655** and **571 - 272 - 6651**; respectively.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.


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